

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re:

Case No. 11-40544-PJS

**RICKY CARPENTER,**

Chapter 7

Debtor.

HON. PHILLIP J. SHEFFERLY

\_\_\_\_\_ /

**MOTION FOR CONTEMPT AND FOR OTHER RELIEF**

Daniel M. McDermott, United States Trustee, for his Motion, states as follows:

1. This is the Motion of the United States Trustee for a finding of contempt against Doshia M. Banks for violation of this Court's Default Judgment Against Doshia M. Banks entered on August 31, 2011 (Docket #66). A proposed Order is attached.

2. The August 31, 2011 the Default Judgment, attached as Exhibit A, required Doshia M. Banks to make the following payments:

- a. \$2,000.00 to the Debtor within thirty (30) days of entry of the Order;
- b. \$5,000.00 to the Clerk of the Court within thirty (30) days of entry of the Order; and
- c. \$1,175.00 to the United States Trustee within thirty (30) days of entry of the Order.

3. The Default Judgment further required Doshia M. Banks to certify her payments by filing an affidavit accompanied by a copy of the cashier's check or money order for the payment, with a copy to the United States Trustee, within thirty days of entry of the Default Judgment.

4. As of the date of this Motion, a certification of payment has not been filed with the Court, nor has the U.S. Trustee received notice of any kind that the payment was made.

5. Doshia M. Banks is in contempt of this Court's August 31, 2011 Default Judgment for failing to make the required payments and for failing to certify the payments.

**WHEREFORE**, the United States Trustee respectfully requests that this Court:

- A. Find Doshia M. Banks in contempt of this Court's August 31, 2011 Default Judgment;
- B. Fine Doshia M. Banks \$1,000.00 or more, for her contempt of this Court's Default Judgment;
- C. Order Doshia M. Banks to pay \$500.00 to the Debtor in addition to the \$2,000.00 previously ordered;
- D. Award the U.S. Trustee costs in the amount of \$350.00 for bringing this Motion;
- E. Order Doshia M. Banks to appear before this Court on a date certain to address her compliance with this and prior Orders; and
- F. Provide for further sanctions if necessary.

Respectfully submitted,

**DANIEL M. McDERMOTT**  
**UNITED STATES TRUSTEE**  
Region 9

By: /s/ Paul J. Randel (P58419)  
Paul.Randel@usdoj.gov  
Trial Attorney  
Office of the U.S. Trustee  
211 West Fort Street - Suite 700  
Detroit, Michigan 48226  
(313) 226-4541

Dated: December 16, 2011

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re:

Case No. 11-40544-PJS

**RICKY CARPENTER,**

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**ORDER FINDING DOSHIA M. BANKS  
IN CONTEMPT AND FOR FURTHER PROCEEDINGS**

**THIS MATTER** came before the Court upon the United States Trustee's Motion for Contempt and Other Relief. The Motion was properly served on Doshia M. Banks and filed with the Court. The Court is otherwise fully advised in the premises;

**NOW, THEREFORE,**

**IT IS ORDERED** that Doshia M. Banks is in contempt for violation of the August 31, 2011 2011 Default Judgment Against Doshia M. Banks.

**IT IS FURTHER ORDERED** that Doshia M. Banks shall pay an additional fine of \$1,000.00 to the Clerk of the Court for her contempt of this Court's Default Judgment within 7 days of entry of this Order.

**IT IS FURTHER ORDERED** that Doshia M. Banks shall pay an additional \$500.00 the Debtor, bringing the total to \$2,500.00, within 7 days of entry of this Order.

**IT IS FURTHER ORDERED** that Doshia M. Banks shall pay costs to the United States Trustee for bringing this motion in the amount of \$350.00 within 30 days.

**IT IS FURTHER ORDERED** that Doshia M. Banks shall certify, to the Court with a copy to the United States Trustee, her payment of all funds identified above within the time period allowed for payment.

**IT IS FURTHER ORDERED** that Doshia M. Banks shall appear before this Court on \_\_\_\_\_, \_\_\_\_\_, 2011 at \_\_\_\_\_ o'clock \_\_\_\_\_.m. to discuss her compliance with the above provisions. At the hearing, the Court will consider any failure to comply with the above provisions and the prior Default Judgment, and will consider any additional remedies, including but not limited to, incarceration and referral to the District Court for criminal contempt proceedings.

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**NOTICE OF MOTION FOR CONTEMPT AND FOR OTHER RELIEF**

The United States Trustee, has filed papers with the court for an Order finding Doshia M. Banks in contempt of this Court's August 31, 2011 Default Judgment Against Doshia M. Banks.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you not have an attorney, you may wish to consult one.)

If you do not want the court to enter an order for contempt and for other relief, or if you want the court to consider your views on the motion, within **14 days**, you or your attorney must:

1. File with the court a written response or an answer, explaining your position at:<sup>1</sup>

U.S. Bankruptcy Court  
211 West Fort Street  
Detroit, MI 48226

If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

You must also mail a copy to: Paul J. Randel  
Office of the United States Trustee  
211 West Fort Street, Suite 700  
Detroit, MI 48226

2. If a response or answer is timely filed and served, the clerk will schedule a hearing on the motion and you will be served with a notice of the date, time and location of the hearing.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

**DANIEL M. McDERMOTT**  
**UNITED STATES TRUSTEE**  
Region 9

By: /s/ Paul J. Randel (P58419)  
Paul.Randel@usdoj.gov  
Trial Attorney  
Office of the U.S. Trustee  
211 West Fort Street - Suite 700  
Detroit, Michigan 48226  
(313) 226-4541

Dated: December 16, 2011

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**CERTIFICATE OF SERVICE**

I hereby certify that on December 16, 2011, I served copies as follows:

1. Documents Served: *Motion for Contempt and for Other Relief, Notice of Motion and Certificate of Service.*
2. Served Upon:  
Doshia M. Banks  
17515 W. Nine Mile Road  
Suite 980  
Southfield, MI 48075  
  
Ricky Carpenter  
24280 Grove Ave.  
Eastpointe, MI 48021
3. Method of Service: First Class Mail  
  
**DANIEL M. McDERMOTT**  
**UNITED STATES TRUSTEE**  
Region 9

By: /s/ Edward M. Dorda, III  
Edward.M.Dorda@usdoj.gov  
Paralegal Specialist  
Office of the U.S. Trustee  
211 West Fort St - Suite 700  
Detroit, Michigan 48226  
313.226.4531

Dated: December 16, 2011